

Filed for intro on 01/17/2002  
HOUSE BILL 2412 By  
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SENATE BILL 2502  
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 68, relative to regulation of certain facilities licensed by the board for licensing health care facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-827(a), is amended by adding the following language as a new subdivision (5):

(5) In addition to any other lawful use of the nursing home resident protection trust fund, the fund may also be used for a grant program for community programs that directly and significantly increase community involvement with nursing home facilities. The commissioner shall develop and administer such a grant program to the extent funds are available within the trust fund for such purposes.

SECTION 2. Tennessee Code Annotated, Section 68-11-221, is amended by designating the first, second and third sentences as subsection (a) and by deleting the first word in the first sentence and substituting instead the language "For all facilities, except nursing homes, during".

Section 68-11-221, is further amended by adding the following language to be designated as subsection (b):

(b) For nursing home facilities, during a suspension of admissions pursuant to §68-11-207 or if a Type B civil monetary penalty has been imposed pursuant to §68-11-803, the commissioner shall appoint one (1) or more special monitors from the division of health care facilities. The commissioner may appoint a special monitor or monitors from the division of health care facilities at any other time, if a Type C civil monetary penalty has been imposed pursuant to §68-11-804 or the commissioner has reason to believe that deficiencies exist in a facility which are detrimental to the direct care of the patients or residents. Whenever the appointment of monitors is utilized pursuant to this subsection, the commissioner shall appoint a sufficient number of such monitors to ensure that at least one monitor is in the facility at all times until the cited deficiency or deficiencies have been corrected, but in no event shall a monitor be in the facility for less than twenty (20) hours a week during such time.

Section 68-11-221 is further amended by designating all the remaining language as subsection (c) and by changing the first word "They" in the fourth sentence to "The monitors".

SECTION 3. Tennessee Code Annotated, Section 68-11-221, is further amended by adding the following language to be designated as subsection (d):

(d) For the purpose of providing a sufficient number of state personnel to monitor nursing home facilities, there is created within the division of health care facilities six (6) additional monitor positions. The duties of such personnel shall include, but not be limited to, fulfilling the monitoring of nursing home facilities pursuant to subsection (b), conducting spot checks of nursing home facilities, citing facilities for deficiencies, requiring full surveys of nursing home facilities where deficiencies may exist, and checking for correction of deficiencies cited by survey teams.

SECTION 4. Tennessee Code Annotated, Section 68-11-204, is amended by adding the following language as a new subsection (e):

(e) If a Type A or a Type B civil monetary penalty has been imposed pursuant to Part 8 within a year of the time for license renewal, the board shall not renew the license of such facility until the licensee appears before the board and explains, to the satisfaction of the board, what changes the facility has made to correct the deficiencies and ensure that the facility will not be cited for future deficiencies and why the license of the facility should be renewed. Notwithstanding the provisions of §68-11-216, the board may renew the license of such facility for a period of six (6) months instead of one (1) year and assess a proportional licensure fee for such renewal; provided that the renewal of the license of a facility upon which a Type A or Type B civil monetary penalty has been imposed in two (2) successive surveys, shall be for a period of six (6) months.

SECTION 5. Tennessee Code Annotated, Section 68-11-803(c)(23), is amended by adding the following language at the end of the subdivision:

Such minimum of two (2) hours of direct care to each patient every day shall be incrementally increased over the next three (3) years until a minimum number of three and one half (3.5) hours of direct care to each patient every day is achieved. As new funds become available for compensation to nursing homes pursuant to Title 71 for medical assistance in addition to the level of funds appropriated in fiscal year 2001-2002, any such increase in funds may only be expended by the nursing homes to increase the number of direct patient contact personnel to achieve such higher minimum number of hours.

SECTION 6. Tennessee Code Annotated, Section 68-11-210, is amended by adding the following language as a new subsection (d):

(d) The division of health care facilities shall provide annual nursing home facility reports to the general assembly, the extent and content of which to be determined by the speakers of the house and the senate with advice from the general welfare committees of each house.

SECTION 7. This act shall take effect July 1, 2002, the public welfare requiring it.